IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

Bail Appl..No. 4328 of 2007()

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CMP.6200/2007 of J.M.F.C.-I,KOTTARAKKARA
CRIME NO.1093 OF 2006 OF KOTTARAKKARA POLICE STATION

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: PETITIONER/ACCUSED

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JACOB ALIAS CHACKO,
S/O.KOCHUKUNJU, MANGATTUMAVILA VEEDU,
VILAYANNOOR MURI, UMMANNOOR VILLAGE,
KOTTARAKKARA.

BY ADV. SRI.K.V.ANIL KUMAR

RESPONDENTS: COMPLAINANT

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STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R.BASANT, J**

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**B.A.No4328. of 2007**

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Dated this the 17th day of July, 2007

**ORDER**

Application for regular bail. The petitioner faces allegations in a crime registered under Section 376 I.P.C. The defacto complaint, a divorcee, aged about 25 years had allegedly occasion to go to the house of the petitioner-a neighbour on 28.03.06. There they allegedly had sexual intercourse. There was a promise that the petitioner shall marry the defacto complainant. They continued to indulge in sexual relationship. The defacto complainant became pregnant. Six and a half months into the pregnancy, she filed a complaint alleging commission of the offence of rape by the petitioner. The promise to marry was not honoured, she complained. Crime was registered. The petitioner was arrested on 28.06.2007. Investigation is continuing. The blood samples have been forwarded to the expert for the conduct of the D.N.A test. Results are awaited. The petitioner continues in custody from 28.06.07.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not seriously oppose the said prayer and I am satisfied that the petitioner can now be enlarged on bail subject to appropriate terms and conditions. I have already referred to facts broadly. It is not necessary in the facts and circumstances of the case to advert to facts in any greater detail now.

3. In the result, this application is allowed. The petitioner shall now be released on bail on the following terms and conditions.

i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months from the date of his release and thereafter as and when directed by the Investigating Officer in writing to do so.

**(R.BASANT, JUDGE)**

rtr/-